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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES ROBERT WEISS,

Defendant and Appellant.

A096050

(Sonoma County
Super. Ct. No. MCR 373769)

James Robert Weiss appeals from a judgment of conviction entered upon a plea of nolo contendere. Appellant's court-appointed counsel has briefed no issues and asks this court to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

An amended complaint filed in the consolidated court for Sonoma County charged appellant with two counts of second degree burglary (Pen. Code, §§ 459, 460, subd. (b))¹, attempted first degree burglary (§§ 664, 459, 460, subd. (a)), and possession of burglars' tools (§ 466), a misdemeanor. The complaint further alleged, as to the count of attempted first degree burglary (§§ 664, 459, 460, subd. (a)), that appellant committed the offense while released from custody on bail or his own recognizance, a sentencing enhancement (§ 12022.1).

In a negotiated disposition, appellant pleaded nolo contendere to attempted first degree burglary (§§ 664, 459, 460, subd. (a)) and admitted the concomitant enhancement

¹ All statutory references are to the Penal Code unless otherwise indicated.

(§ 12022.1) with the understanding that the court would grant the prosecution's motion to dismiss the remainder of the complaint.²

The court sentenced appellant to the middle term of two years in state prison for attempted first degree burglary (§§ 664, 459, 460, subd. (a)) and ordered him to pay a \$200 restitution fine. The court then suspended execution of sentence pursuant to Welfare and Institutions Code section 3051, and referred appellant to a psychologist in order to assist the court in its determination of whether appellant was a narcotics addict.

Upon review of the psychologist's report, the court found appellant to be a narcotics addict and committed him to the California Rehabilitation Center for a maximum period of two years. The court granted appellant 246 days total credit for time served.

Appellant was represented by counsel throughout the proceedings.

There was no sentencing error.

There are no issues that require further briefing.

The judgment is affirmed.

Stevens, J.

We concur:

Jones, P.J.

Gemello, J.

² The negotiated plea also encompassed the dismissal of a separate complaint, Sonoma County Superior Court No. MCR 372289.